

**PLANNING AND ZONING COMMISSION
MEETING MINUTES**

May 22, 2006

MEMBERS PRESENT: Emery Zahner, Cliff Aucter, Lori Spielman, Arlo Hoffman (left at 9:00 pm) and Alternates Carol Strom and Joe Wehr

MEMBERS ABSENT: Geri Kupecky, Bob Hoffman and Alternate Jim Prichard

STAFF PRESENT: Robert A. Phillips, Town Planner and Kristin Michaud, Recording Secretary

I. CALL TO ORDER:

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:02 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. S200602 – Cantor & Goldfarb Partnership for a 2 lot subdivision on property located at 1 Webster Road, APN 096-007-0000 in an RA Zone. (Continued from the April 24, 2006 meeting)

TIME: 7:03

SEATED: L. Spielman, A. Hoffman, C. Strom, J. Wehr, C. Aucter, E. Zahner

Eric Peterson, Gardner & Peterson, came forward for the application. He explained that they submitted the appraisal that the commission was looking for.

Vice Chairman Aucter wanted to know if this was a 2 lot subdivision or a 3 lot?

Town Planner, Robert Phillips explained why it was only a 2 lot subdivision and how the dissolution of the lot line before filing mylars would eliminate what appeared to be a third lot.

MOVED (SPIELMAN), SECONDED (WEHR) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #S200602 – CANTOR & GOLDFARB PARTNERSHIP.

MOVED (SPIELMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #S200602 – CANTOR & GOLDFARB PARTNERSHIP.

CONDITIONS: 1.) DISSOLUTION OF LOT LINE AND CONVEYANCE OF "REMAINING LAND" TO BE COMPLETED PRIOR TO FILING OF MYLARS AND; 2.) CONSERVATION EASEMENT MARKERS SHALL BE INSTALLED AND FIELD INSPECTED PRIOR TO CONSTRUCTION.

MOVED (SPIELMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO AMEND THE MOTION TO INCLUDE APPROVAL OF STEWART APPRAISALS' APPRAISAL FOR FEE-IN-LIEU OF OPEN SPACE.

2. #Z200608 – Christopher Libby for a site plan modification for construction of 17,000 square feet of commercial space for a self storage facility and associated office space, retail space, modification of existing bar and grill and associated site improvements on property located at 117 Stafford Road, APN 148-087-0000 and 137 Stafford Road, APN 148-084-0000 in a C Zone. (Continued from the April 24, 2006 meeting)

TIME: 7:10

SEATED: L. Spielman, A. Hoffman, C. Strom, J. Wehr, C. Aucter, E. Zahner

Galen Semprebon, Design Professionals, came forward for the application. Mr. Semprebon reviewed the changes made to the plan. There would be more landscaping along the parking lot, they moved the grease interceptor slightly and they gave the aesthetics a rustic feel. Mr. Semprebon, in response to the Town Planner's concerns regarding the lack of regulations pertaining to mixed uses, said uses on the site will be an office, bar & grill and storage units and there would be no problem with the uses on the site due to the different times each use is open. The storage units will be fenced in and will not be open 24 hours.

Vice Chairman Aucter didn't like the vegetable cart located in front of the site. Christopher Libby explained that this is a local farmer he gave permission to and if the commission wanted it gone he could take it out.

MOVED (SPIELMAN), SECONDED (WEHR) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200608 – CHRISTOPHER LIBBY.

MOVED (A. HOFFMAN), SECONDED (SPIELMAN) AND PASSED (C. AUCTER – OPPOSED) TO APPROVE WITH CONDITION #Z200608 – CHRISTOPHER LIBBY.

CONDITION: RENDERINGS OF SIGNAGE IS NOT PART OF THIS APPROVAL.

3. #Z200619 – Sullivan Farms, LLC for special permit for 1 rear lot on property located on Grant Road, APN 005-048-0002 in an AA Zone.
4. #S200603 – Sullivan Farms, LLC for a 9 lot subdivision on property located on Grant Road, APN 005-048-0002 in an AA Zone.

THE OPENING OF THE PUBLIC HEARINGS HAS BEEN DELAYED TO THE JUNE 26, 2006 MEETING TO ALLOW THE APPLICANT TO COMPLETE THE CERTIFICATE OF MAILING REQUIREMENT.

5. #Z200618 – Bemers for special permit and site plan modification for a 1000 gallon above ground portable propane dispensing station and associated improvements on property located at 171 West Road, APN 046-005-0001 in a PC Zone.

TIME: 7:40

SEATED: L. Spielman, A. Hoffman, C. Strom, J. Wehr, C. Aucter, E. Zahner

David Dutussio, BEMERS came forward for the application. He explained that there will be a 12' x 25' enclosure, gravel area, fire extinguisher and 2 openings into enclosure for safety precautions. He explained that the signage is required by the Fire Marshal. This is a standard application.

Vice Chairman Aucter wanted more shrubbery around the enclosure. Mr. Dutussio agreed to add them.

Town Planner, Robert Phillips wondered if there was another place to put the dispensing system. Mr. Dutussio explained that it was looked at but due to health and safety constraints this was the only place for it.

Town Planner, Robert A. Phillips read the Ad Hoc Design Review letter dated 5/4/06.

MOVED (WHER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200618 – BEMERS.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #Z200618 – BEMERS.

CONDITION: TO INCORPORATE COMMENTS #2 A, B & C FROM DESIGN REVIEW BOARD'S MEMO DATED 5-4-06.

6. #Z200622 – Connecticut Parachutists, Inc. for a special permit for the location of shade tents on property located at 360 Somers Road, APN 105-002-0000 in an I Zone.

TIME: 8:00

SEATED: L. Spielman, A. Hoffman, C. Strom, J. Wehr, C. Aucter, E. Zahner

Attorney Richard Conti, Lawyer for the applicant, reviewed the application with the commission. He explained that the tents were for shade only. He explained that these are the same tents they have used for the past five years and that this is the only approval they are here for. The parking spaces are the same ones that have been used in the past. He stated that the trailers had been a problem in the past and they are no longer a part of this application. He reviewed the three ways emergency vehicles could access the property. The commission was concerned with the bridge crossing the stream on the property. Pictures from the Fire Marshal show there is a substantial crack in the support beam and that it wouldn't be passable for emergency vehicles.

Mark Krasanski explained that the tents are temporary only for six months of the year.

Chairman Zahner read Jim Thompson's letter dated 5/22/06.

MOVED (SPIELMAN), SECONDED (WEHR) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200622 – CONNECTICUT PARACHUTISTS, INC.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #Z200622 – CONNECTICUT PARACHUTISTS, INC.

CONDITION: THE BRIDGE WILL BE GATED ON BOTH SIDES AND HAVE SIGNAGE FOR CASUAL CROSSING ONLY.

7. #Z200621 – Savvas Merkouriou for a special permit for an accessory apartment on property located at 119 Burbank Road, APN 067-015-0000 in an RA Zone.

TIME: 8:45

SEATED: L. Spielman, A. Hoffman, C. Strom, J. Wehr, C. Aucter, E. Zahner

Jeff Kamm, Engineer, came forward for the application. He reviewed what needed to be done to complete the project. There was some concern over drainage and Mr. Kamm explained that even without the accessory apartment the drainage problem would still be there.

Chairman Zahner read Jim Thompson's letter dated 5-22-06.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200621 – SAVVAS MERKOURIOU.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #Z200621 – SAVVAS MERKOURIOU.

CONDITION: SUBJECT TO TOWN ENGINEER'S APPROVAL PRIOR TO ISSUING A ZONING PERMIT.

8. #Z200604 - Big Y Foods, Inc. for an amendment to the Ellington Zoning Regulations, Section 7.7b(5) Attached Signs Permitted in the C, PC, I and IP Zones.

TIME: 8:50

SEATED: L. Spielman, A. Hoffman, C. Strom, J. Wehr, C. Aucter, E. Zahner

The Town Planner explained that this was a staff-sponsored application to rectify a procedural defect in the last application, namely a notice defect.

MOVED (SPIELMAN), SECONDED (WEHR) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200604 – BIG Y FOODS, INC.

MOVED (AUCTER), SECONDED (WEHR) AND PASSED UNANIMOUSLY TO APPROVE #Z200604 – BIG Y FOODS, INC.

EFFECTIVE DATE: 6/10/2006

9. #Z200620 – Ellington Planning & Zoning Commission for comprehensive amendments to the Ellington Zoning Regulations for whole sale modifications & streamlining of uses and reorganization of content.

TIME: 8:57

SEATED: L. Spielman, A. Hoffman, C. Strom, J. Wehr, C. Aucter, E. Zahner

The Town Planner commented on a minor modification needed to clarify building height and that the related footnotes should be in the definition section of the regulations. The regulations could be approved with the minor modification.

MOVED (AUCTER), SECONDED (STROM) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200620 – ELLINGTON PLANNING & ZONING COMMISSION.

MOVED (AUCTER), SECONDED (WEHR) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #Z200620 – ELLINGTON PLANNING & ZONING COMMISSION.

CONDITION: MINOR MODIFICATION AS PRESENTED BY TOWN PLANNER.

EFFECTIVE DATE: 6/10/2006

IV. UNFINISHED BUSINESS:

1. #S200515 – Landmark Surveys, LLC for a 4 lot subdivision on property located on Webster Road, APN 126-002-0000 in a RA Zone.

TIME: 9:05

SEATED: E. Zahner, C. Strom, L. Spielman, C. Aucter

Landmark Surveys explained that they only needed an appraisal for the Fee-in-lieu of Open Space and that had met all of the staff concerns.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #S200515 – LANDMARK SURVEYS, LLC.

CONDITIONS: CONSERVATION EASEMENT MARKED IN FIELD AND INSPECTED PRIOR TO CONSTRUCTION, FEE-IN-LIEU OF OPEN SPACE ACCEPTED BY STEWART APPRAISERS.

V. NEW BUSINESS:

1. Request for a 90-day extension to file mylars for REM Motor Rental, S200511.

MOVED (SPIELMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO GRANT A 90-DAY EXTENSION TO FILE MYLARS FOR REM MOTOR RENTAL SUBDIVISION, #S200511.

2. Request for a 90-day extension to file mylars for Brooks Crossing Developers, LLC, S200509.

MOVED (WEHR), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO GRANT A 90-DAY EXTENSION TO FILE MYLARS FOR BROOKS CROSSING DEVELOPERS, LLC SUBDIVISION, #S200509.

3. Request for bond reductions for the Ellington Highland Subdivision, Phases 1, 2 & 3.

THIS ITEM WAS TABLED TO THE JUNE 26, 2006 MEETING.

4. #Z200624 – Eben Holmes for a special permit for a 3 car detached garage on property located at 240 Crystal Lake Road, APN 084-014-0000 in an AA Zone. (RECEIPT ONLY)
5. #Z200625 – Richard Rizzo for site plan approval and special permit for unified sign design on property located on West Road, APN 037-005-0086 in a PC Zone. (RECEIPT ONLY)

BY CONSENSUS THE COMMISSION RECEIVED #Z200624 & #Z200625.

MOVED (WEHR), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO ADD BY VOICE VOTE AND RECEIVE #Z200626 – WEST ROAD ASSOCIATES FOR THE CONSTRUCTION OF A 35' X 62' GARAGE AND STORAGE SPACE ADDITION AND 14' X 48' SHED AND ASSOCIATED IMPROVEMENTS FOR A PLUMBING BUSINESS ON PROPERTY LOCATED AT 88 – 96 WEST ROAD. #S200604 – PIONEER BUILDERS OF ELLINGTON, INC. FOR A 10 LOT SUBDIVISION ON PROPERTY LOCATED ON MIDDLE ROAD, #Z200627 – PIONEER BUILDERS OF ELLINGTON, INC. FOR SPECIAL PERMIT FOR 2 REAR LOTS ON PROPERTY LOCATED ON MIDDLE ROAD.

VIII. ADMINISTRATIVE BUSINESS:

MOVED (SPIELMAN), SECONDED (WEHR) TO ADD TO THE AGENDA A DISCUSSION REGARDING VIOLATIONS AROUND TOWN.

Several complaints were discussed between the Commission and the Town Planner.

MOVED (AUCTIONER), SECONDED (WEHR) TO ADD TO THE AGENDA A CEASE & DESIST ORDER ON MOSER FARMS, WEST ROAD.

The Commission and the Town Planner discussed the earth moving activity being conducted by Mr. Moser along West Road as it has a long history and has recently been the focal point of numerous complaints.

MOVED (AUCTIONER), SECONDED (WEHR) AND FAILED (E. ZAHNER, C. STROM, L. SPIELMAN, J. WEHR OPPOSED) TO ORDER A CEASE & DESIST ORDER FOR VALLEY FARMS, WEST ROAD.

MOVED (SPIELMAN), SECONDED (WEHR) TO ADD TO THE AGENDA A DISCUSSION OF A SPECIAL MEETING IN JUNE FOR PLAN OF CONSERVATION & DEVELOPMENT.

TOWN STAFF WILL COORDINATE WITH COMMISSIONERS FOR A DATE.

1. Acknowledgement of the filing of the Angel Trace subdivision as conditional.

MOVED (AUCTIONER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO ACCEPT ACKNOWLEDGEMENT OF CONDITIONAL FILING FOR THE ANGEL TRACE SUBDIVISION.

2. Acknowledgement of the filing of the Freedom Ridge subdivision as conditional.

MOVED (WEHR), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO ACCEPT ACKNOWLEDGEMENT OF CONDITIONAL FILING FOR THE FREEDOM RIDGE SUBDIVISION.

3. Set the effective date for the zone change from AA to MF on property located at 160 Windermere Avenue, APN 026-002-0000 & 026-002-0033.

THIS ITEM WAS TABLED TO THE JUNE 26, 2006 MEETING.

4. Approval of Meeting Minutes:
 - a. April 24, 2006 Regular Meeting Minutes

THIS ITEM WAS TABLED TO THE JUNE 26, 2006 MEETING.

5. Correspondence:

- a. Letter to Emery Zahner from Redding Planning Commission dated 05-08-06. (Developers)
- b. Ad Hoc Design Review Board Minutes, Thursday, May 4, 2006.
- c. Press Release to Ellington Connection from Robert A. Phillips, Town Planner.
- d. Letter to Eben & Elisa Holmes from Lisa Houlihan, ZEO dated 05-10-06. (Zoning Permit Request)
- e. Letter to All Staff from Robert A. Phillips, Town Planner dated 04-20-06. (Change of policy regarding submission of revised plans)
- f. Memo to Ellington Planning & Zoning Commission from Reanna Goodreau, Land Use Assistant dated 05-03-06. (Big Y Foods)

SO NOTED.

IV. ADJOURNMENT:

MOVED (SPIELMAN), SECONDED (WEHR) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:00 PM.

Respectfully Submitted,

Kristin Michaud
Recording Secretary